

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE: B-208471**

**DATE: August 27, 1982**

**MATTER OF: Bogue Electric Manufacturing Co.**

**DIGEST:**

Protest against solicitation's omission of a source control clause is untimely because the alleged impropriety was apparent from a reading of the solicitation yet the protest was not filed until after the closing date for receipt of initial proposals. 4 C.F.R. § 21.2(b)(1) (1982).

Bogue Electric Manufacturing Co. (Bogue) protests the award of a contract under solicitation No. DAAA09-82-R-0243, issued by the United States Army Armament Materiel Readiness Command. Bogue contends the solicitation was improper because it did not contain a source control clause, which would have specifically identified vendors who are qualified sources.

The protest is dismissed.

Our Bid Protest Procedures specify that protests based on alleged improprieties in any type of solicitation which are apparent on the face of the solicitation will not be considered on the merits unless filed prior to bid opening or the closing date for receipt of proposals. 4 C.F.R. § 21.2(b)(1) (1982); Systems Development Corporation and International Business Machines, B-204672, March 9, 1982, 82-1 CPD 218.

Bogue should have known from a reading of the solicitation that it did not contain a source control clause. Bogue was, therefore, required to file its protest before the closing date for the receipt of proposals, June 10, 1982, in order to have it considered. Award was made on July 21, 1982. Because Bogue's protest

was not filed with our Office until July 30, 6 weeks after the closing date, it is untimely and will not be considered on the merits.

The protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel